

BILL ANALYSIS

Senate Research Center

S.B. 1448
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State Affairs
8/17/2015
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, a county must have a political party chair in order to conduct a primary election. In the event of a county party chair vacancy, current law provides an option for the state party chair to contract with local county elections officials to conduct a primary for a statewide office. Even with this option available, it can be difficult to run a primary for statewide office and impossible to run a presidential primary.

According to the Secretary of State, in 2014, 21 counties did not have a Democratic primary and seven counties did not have a Republican primary. Voters in those counties are disenfranchised from statewide and presidential primaries simply because there is no party chair and the local county did not contract with the state party chair.

S.B. 1448 would amend current law to mandate the local county election officer to contract with the state party chair of a political party to hold a primary election for a political party in a county without party leadership for a statewide and presidential primary, upon the request of the state party.

S.B. 1448 will also provide guidelines for holding primary elections in small population counties, including: at least one county-wide polling place, minimum hours of operation, reporting results to the state party, and waiving the requirement to hold a precinct convention. In addition, it will allow contracted election officers to be affiliated with any political party.

S.B. 1448 amends current law relating to holding a primary election for a political party in a county without party leadership.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the secretary of state in SECTION 1 (Section 172.128, Election Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 172.128, Election Code, as follows:

Sec. 172.128. ALTERNATIVE PRIMARY PROCEDURE FOR COUNTIES WITHOUT COUNTY PARTY LEADERSHIP. (a) Requires that a primary election that is required for the nomination of a political party to a statewide office or a presidential primary election, notwithstanding a conflicting provision of this code, be held in accordance with this section in a county in which:

(1) the office of county chair is vacant and there is an insufficient number of members serving on the county executive committee to fill a vacancy on the committee; and

(2) the party is unable to establish a temporary executive committee under Section 171.027 (Temporary Committee).

(b) Requires a county clerk, county tax assessor-collector, or county elections administrator, on the request of the state chair of a political party, as appropriate, to contract with the state chair to hold a primary election under this section.

Deletes existing text authorizing the state chair of a political party to contract with a county clerk, county tax assessor-collector, or county elections administrator, as appropriate, to hold a primary election in a county in which the office of county chair is vacant and there is an insufficient number of members serving on the county executive committee to fill a vacancy on the committee and the party is unable to establish a temporary executive committee under Section 171.027.

(c) Authorizes the county to designate the location of the polling place for an election held under this section at the main early voting polling place or designate a location to serve as a polling place in the county seat of the county if the polling place is located so that it will adequately serve the voters.

(d) Requires that voting be conducted at least during the hours that the county clerk's main business office is regularly open for business.

(e) Requires that the election returns for an election held under this section be delivered to the state chair of the applicable political party.

(f) Provides that a precinct convention is not required to be held following a primary election conducted under this section.

(g) Requires that a contract for election services entered into under this section provide that the county is required to be eligible to be reimbursed for primary election expenses in the same manner a county chair would be reimbursed under Subchapter D (State Financing), Chapter 173.

(h) Provides that election officers appointed to serve a polling place for a primary election conducted under this section may be affiliated or aligned with any political party.

(i) Requires the secretary of state to adopt rules to implement this section in accordance with the conduct of elections and with party rule.

SECTION 2. Effective date: September 1, 2015.